

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA
At Charleston**

JEFFERSON COUNTY COMMISSION, et. al.

Plaintiffs,

and

THORNTON COOPER,

Intervening Plaintiff,

v.

**Civil Action No. 2:11-CV-00989
(Honorable King, Bailey, Berger)**

**NATALIE TENNANT, *in her capacity as
The Secretary of State, et al.,***

Defendants.

**JOINT WITNESS DISCLOSURE BY DEFENDANTS JEFFREY KESSLER
AND RICHARD THOMPSON**

Come now Defendants Jeffrey Kessler and Richard Thompson and disclose the following witnesses who may testify before the Court at the Evidentiary Hearing on December 27, 2011:

1. House Majority Leader Brent Boggs

May offer testimony concerning the consideration of S.B. 1008 in the House of Delegates and the policy justifications for the population variance between congressional districts established by the Legislature. May offer testimony regarding the House of Delegates' monitoring of meetings held by the Senate Redistricting Task Force and the Senate Redistricting Committee, and the House of Delegates' monitoring of the Senate's consideration of alternate redistricting plans.

2. Senate Minority Leader Mike Hall

May offer testimony concerning the consideration of S.B. 1008 in the Senate, the redistricting process utilized by the Senate Redistricting Task Force and the Senate Redistricting Committee, the consideration of alternate congressional redistricting plans, and the policy justifications for the population variance between congressional districts expressed by the Legislature.

3. Senator Corey Palumbo

May offer testimony concerning the consideration of S.B. 1008 in the Senate, the redistricting process utilized by the Senate Redistricting Task Force and the Senate Redistricting Committee, the consideration of alternate congressional redistricting plans, and the policy justifications for the population variance between congressional districts expressed by the Legislature.

4. Senator Brooks McCabe

May offer testimony concerning the consideration of S.B. 1008 in the Senate, the redistricting process utilized by the Senate Redistricting Task Force and the Senate Redistricting Committee, the consideration of alternate congressional redistricting plans, and the policy justifications for the population variance between congressional districts expressed by the Legislature.

5. Senator Roman Prezioso

May offer testimony concerning the consideration of S.B. 1008 in the Senate, the redistricting process utilized by the Senate Redistricting Task Force and the Senate Redistricting Committee, the consideration of alternate congressional redistricting plans, and the policy justifications for the population variance between congressional districts expressed by the Legislature.

6. Senator Clark Barnes

May offer testimony concerning the consideration of S.B. 1008 in the Senate, the redistricting process utilized by the Senate Redistricting Task Force and the Senate Redistricting Committee, the consideration of alternate congressional redistricting plans, and the policy justifications for the population variance between congressional districts expressed by the Legislature. May also offer testimony in his role as the Senator who introduced the plan adopted by the Legislature as S.B. 1008.

7. Delegate Barbara Evans Fleischauer

May offer testimony concerning the consideration of S.B. 1008 in the House of Delegates and the policy justifications for the population variance between congressional districts established by the Legislature. May offer testimony regarding the House of Delegates' monitoring of meetings held by the Senate Redistricting Task Force and the Senate Redistricting Committee, and the House of Delegates' monitoring of the Senate's consideration of alternate redistricting plans. May offer testimony in her role as Chairwoman of the House of Delegates Constitution Revision Committee, as well as information available to the Legislature resulting from her attendance at the National Conference of State Legislatures conference on redistricting.

8. Jake Nichols
Legislative Analyst to Senate Redistricting Committee

May offer testimony concerning information provided to Senators at the Senate Redistricting Committee meeting on consideration of congressional redistricting plans.

9. Thomas R. Bennett, II
West Virginia House of Delegates
Leadership Offices

May offer testimony concerning the House of Delegates' consideration of S.B. 1008 as well as House of Delegates monitoring of meetings held by the Senate Redistricting Task Force and the Senate Redistricting Committee, and the House of Delegates' monitoring of the Senate's consideration of alternate redistricting plans.

10. Aaron Allred
Head of Legislative Services

May offer testimony concerning information provided to members of the Legislature concerning the adopted congressional redistricting plan and alternate congressional redistricting plans.

11. President Kessler and Speaker Thompson reserve the right to call an expert in rebuttal to any expert disclosed by any other party to this litigation.
12. President Kessler and Speaker Thompson reserve the right to call any fact or expert witness disclosed by any other party to this litigation.

**JEFFREY KESSLER, in his capacity
as President of West Virginia Senate**

/s/ Adam B. Tomlinson

George E. Carenbauer (W. Va. Bar No. 634)
Adam B. Tomlinson (W. Va. Bar No. 11311)
STEPTOE & JOHNSON PLLC
707 Virginia Street, East, Eighth Floor
P.O. Box 1588
Charleston, WV 25326-1588
(304) 353-8000 - telephone
(304) 353-8180 - facsimile
george.carenbauer@steptoe-johnson.com
adam.tomlinson@steptoe-johnson.com
Attorneys for President Kessler

**RICHARD THOMPSON, in his capacity as the
Speaker of the West Virginia House of Delegates**

/s/ Anthony J. Majestro

Anthony J. Majestro (W. Va. Bar No. 5165)
Cynthia A. Majestro (W. Va. Bar No. 5092)
Powell & Majestro, PLLC
405 Capitol Street, Suite P1200
Charleston, WV 25301
(304) 346-2889 – telephone
(304) 346-2895 – facsimile
amajestro@powellmajestro.com
cmajestro@powellmajestro.com
Attorneys for Speaker Thompson

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA
At Charleston

JEFFERSON COUNTY COMMISSION, et. al.
Plaintiffs,

and

THORNTON COOPER,
Intervening Plaintiff,

v.

Civil Action No. 2:11-CV-00989
(Judges King, Bailey, and Berger)

NATALIE TENNANT, *in her capacity as*
The Secretary of State, et al.,
Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of December, 2011, I electronically filed the foregoing “**Joint Witness Disclosure By Defendants Jeffrey Kessler and Richard Thompson**” with the Clerk of the Court using the CM/ECF system which will provide notice to counsel of record as follows:

David M. Hammer, Esq.
Hammer, Ferretti & Schiavoni
408 W. King Street
Martinsburg, WV 25401
Counsel for Plaintiffs

Stephen G. Skinner, Esq.
Skinner Law Firm
P O Box 487
Charles Town, WV 25414
Counsel for Plaintiffs

Thornton Cooper, *pro se*
3015 Ridgeview Drive
South Charleston, WV 25303

Thomas Rodd, Esq
West Virginia Attorney General's Office
812 Quarrier Street, 6th Floor
Charleston, WV 25301
*Counsel for the Secretary of State and
the Governor*

/s/ Adam B. Tomlinson